



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: February 13, 2013

TO: Family Division Judges  
cc: Family Division Administrators

FROM: Ashley Coneff, Management Analyst

RE: Setting Aside Juvenile Adjudications, 2012 PA 527

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On February 7, 2013, a memorandum regarding new statutory provisions for setting aside juvenile adjudications was included in our weekly communication. Please disregard that memorandum, as it contains errors.<sup>1</sup> The analysis in that memorandum was based on an earlier version of the legislation, not the legislation that is now in effect. This memorandum correctly summarizes the legislation now in effect.

Until recently, an adjudication for a juvenile offense could be set aside only if an individual had a single juvenile adjudication and no felony convictions. Effective immediately, 2012 PA 527 allows an individual with more than one adjudication for a juvenile offense to have those adjudications set aside under certain conditions:

- If adjudicated of *not more than three juvenile offenses*, of which not more than one of the offenses would be a felony if committed by an adult, the person can apply to set aside one, two, or all of the adjudications. MCL 712A.18e(1).
- *Multiple adjudications arising out of a series of acts* that were in a continuous time sequence of 12 hours and that displayed a single intent and goal *constitute one offense*, provided that none of the adjudications include any of the following offenses:
  - An assaultive crime, as defined in MCL 770.9a.
  - An offense involving the use or possession of a weapon.

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<sup>1</sup> The following information was incorrect in the memo dated February 7, 2013:

- The maximum number of adjudications that maybe set aside is three, not two.
- If a petition is denied, the act does not provide that a person may file another petition concerning the same adjudication three years after the denial.

- An offense with a maximum penalty of 10 or more years imprisonment. MCL 712A.18e(1).

An application may be filed: (whichever event occurs latest)

- One year (rather than five years) following imposition of the disposition for the adjudication, or
- One year following completion of any term of detention for that adjudication, or
- When the person becomes 18 years of age (rather than 24 years of age). MCL 712A.18e(3).

Adjudications that may **not** be set aside:

- An offense that would be a felony if committed by an adult and for which the maximum punishment is life imprisonment.
- A traffic offense under state law or a local ordinance that involves the operation of a vehicle and is a felony or misdemeanor.
- A conviction under MCL 712A.2d (tried and convicted as an adult). This provision does not prohibit a conviction under MCL 712A.2d from being set aside as otherwise provided by law. MCL 712A.18e(2).

Forms: [SCAO-Approved Forms JC 66 and JC 105](#) have been revised pursuant to 2012 PA 527.

If you have any questions, please contact Ashley A. Coneff, Management Analyst, at [coneffa@courts.mi.gov](mailto:coneffa@courts.mi.gov) or 517-373-2451.